

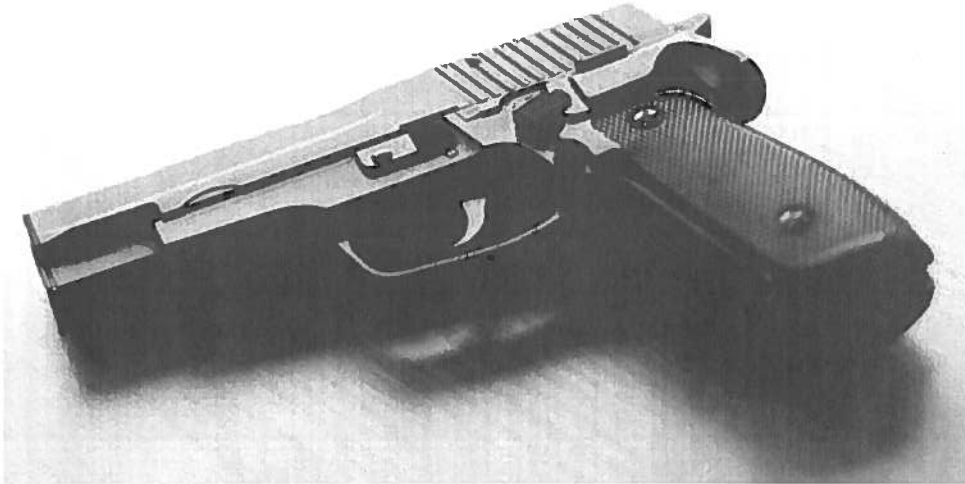
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Man Has Exposed Gun in Phila., Charged

Man audiotaped the whole encounter with police

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The city police department has re-educated its officers on the law regarding the open carrying of handguns after an audiotaped altercation

between several officers and a man carrying a gun on his hip went viral on YouTube, a spokesman said Monday.

Mark Fiorino, a 25-year-old IT worker from suburban Montgomery County, was walking on the street in northeast Philadelphia on Feb. 13 with his handgun exposed on his hip -- and an audio recorder in his pocket. A police officer driving by in a cruiser, Sgt. Michael Dougherty, stopped and called out to him, prompting a tense, 40-minute encounter.

"Do you know you can't openly carry here in Philadelphia?" Dougherty asks, according to the YouTube clip. Fiorino responds, "Yes, you can, if you have a license to carry firearms. ... It's Directive 137. It's your own internal directive."

After some profanity-laced back-and-forth, other officers responded to Dougherty's calls for backup. Fiorino was forced to the ground as he tried to explain that he had a firearms license and was legally allowed to carry his gun openly. He had his permit on him, along with his driver's license.

Police found the recorder while searching Fiorino's pockets. He was eventually released after officers contacted supervisors.

Gun-owners can carry openly if they have a permit, said Lt. Raymond Evers, a police spokesman.

"There was some misinformation within the police department that was corrected in regards to open carrying," said Evers, adding that officers have been made aware of the law at roll call and also re-educated in other ways.

Several weeks after the altercation, after it was posted on YouTube, Commissioner Charles Ramsey had detectives look into the case, Evers said. On April 21, Evers said, Fiorino was arrested on

charges of disorderly conduct and recklessly endangering another person. The confrontation could have led to Fiorino getting shot and officers racing to the scene also could have been injured in an accident, police said.

On Saturday, several dozen gun-owners turned out at City Hall to protest Fiorino's arrest.

Fiorino told the Philadelphia Daily News that he wasn't trying to lay a trap for police, saying he regularly carries a recorder with him in case he ever has to use his gun and then offer proof of what happened.

"I'm not trying to set anyone up," he told the newspaper.

Fiorino's attorney, Joseph Valvo, said he thinks the move to file criminal charges against Fiorino was retaliation for posting the recordings on YouTube.

Tasha Jamerson, a spokeswoman for District Attorney Seth Williams, said in a statement that Fiorino became "belligerent and hostile" while officers were trying to investigate a potential crime.

"Philadelphia police officers on a daily basis are often confronted with extremely dangerous situations involving guns," the statement said. "And someone who has a permit to carry a concealed weapon should not only be aware of that, but should also go the extra length to cooperate with law enforcement."

Valvo, however, said Fiorino was "very reasonably cooperative" and that his client never did anything to escalate the situation.

"There is absolutely no reason to believe he was engaged in illegal activity," Valvo said. "The danger comes from a weapon being drawn. My client never drew a weapon."

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